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Tiberon Minerals, Ltd.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Trevor Moss,

Plaintiff,

v.

Tiberon Minerals, Ltd.,

Defendant.

Case No. C 07 2732 SC

**DECLARATION OF MARIO CARON
IN SUPPORT OF MOTION TO
DISMISS FOR FORUM NON
CONVIENS**

Date:
Time:
Judge:

I, Mario Caron, declare:

1. Over the time period relevant to this dispute I have been President and Chief Executive Officer of Tiberon Minerals, Ltd. and also have been the Chairman of Nui Phao Mining Joint Venture Company, Ltd.. In those capacities I was directly involved in the creation of Mr. Moss's contractual arrangements with the Two Companies, supervised Mr. Moss in his duties under those contractual arrangements, evaluated his work and participated in the determination of whether or not he had fulfilled any of his bonus work in an amount and manner sufficient to justify a bonus under his contracts, including his work in the calendar year 2006. That direct involvement described above gives me direct and specific personal knowledge of the facts set forth herein and I would testify competently to them if

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called upon to do so.

2. The only witness in California of whom I am aware who has direct knowledge of Mr. Moss's performance under his contracts with Tiberon Minerals, Ltd. ("Tiberon") and Nui Phao Mining Joint Venture Company, Ltd. ("Nui Phao") (collectively "the Two Companies") is Mr. Moss himself.
3. Much of Mr. Moss's performance was made outside the United States in Canada and Southeast Asia and the South Pacific, specifically including the operational location of Nui Phao, Viet Nam, and in or about the physical location of Tiberon's office in Toronto, Canada.
4. I have reviewed the claims made by Mr. Moss in his pleadings and in letters sent by him or his representative to the Two Companies. From my position as the prime leader of the Two Companies and as Mr. Moss's immediate supervisor, I know of the following potential witness to his performance in 2006 under the contracts upon which he relies. From my position in the Two Companies and my involvement on a day-to-day basis with most of these people, I know where they are geographically located.

| Person | Current Location | Position |
|--------------|------------------|---|
| Mario Caron | Toronto, Canada | Chairman of Nui Phao and President and CEO of Tiberon. Immediate supervisor of Mr. Moss at the Two Companies. |
| Walter Henry | Toronto, Canada | Former Vice President Finance and CFO of Tiberon Minerals, Ltd.. Mr. Henry worked closely with Mr. Moss with respect to the expenditure controls vis a vis the budget. Mr. Henry also worked closely with Mr. Moss with respect to supplying the potential lenders with required information. |

| | | | |
|----|---------------------|---------------------|---|
| 1 | Matt Bolu | Vancouver, British | Process Manager at Bulo Consulting. Mr. |
| 2 | | Columbia, Canada | Bolu worked closely with Mr. Moss with |
| 3 | | | respect to bonus objective number 2. Mr. |
| 4 | | | Bolu expressed on numerous occasions that |
| 5 | | | the Project Completion Estimate and Project |
| 6 | | | Completion Schedule were significantly |
| 7 | | | behind schedule. |
| 8 | Richard Lister | Toronto, Canada | Lead Director and member of the |
| 9 | | | Compensation Committee of Tiberon Minerals |
| 10 | | | Limited. As lead director, Mr. Lister was |
| 11 | | | intimately familiar with the development of |
| 12 | | | the project and expressed on numerous |
| 13 | | | occasions his concerns with respect to the |
| 14 | | | delays and the cost escalation that the project |
| 15 | | | was undergoing after the appointment on Mr. |
| 16 | | | Moss. |
| 17 | Barbara Filas | Denver, CO | With Knight Piesold and responsible for the |
| 18 | | | ESIA, one of the activities on which Mr. |
| 19 | | | Moss's potential for a bonus hinged. |
| 20 | Zimi Meka | Brisbane, Australia | Managing Director of Ausenco, a company |
| 21 | | | with whom Mr. Moss worked in connection |
| 22 | | | with his assignments for the Two Companies. |
| 23 | Unidentified Others | Brisbane, Australia | With Ausenco. |
| 24 | Ian Gowrie-Smith | Resident of both | Chairman of the Board, Tiberon |
| 25 | | United Kingdom and | |
| 26 | | Sydney, Australia | |

| | | | |
|----|---------------------|-----------------------|--|
| 1 | David Garofalo | Toronto, Canada | Director and Chairman of the Audit |
| 2 | | | Committee of Tiberon |
| 3 | Lars-Eric Johansson | London, England | Director and Chairman of the Audit |
| 4 | | (formerly of Toronto, | Committee of Tiberon |
| 5 | | Canada) | |
| 6 | Loren Komperdo | Calgary, Canada | Director and Member of the Audit Committee |
| 7 | | | of Tiberon |
| 8 | Cliff Davis | Kemble, Ontario, | Director and Chairman of the Compensation |
| 9 | | Canada | Committee of Tiberon |
| 10 | Trevor Moss | Sonoma County, | Plaintiff |
| 11 | | California | |

12 5. The books, records and files of the Two Companies are located in: Toronto, Canada;
 13 Hanoi and Dai Tu, Vietnam; and Brisbane, Australia.

14 I declare and state under penalty of perjury under the laws of the United States of
 15 America that the foregoing is true and correct.

16 Executed on August 23, 2007 at Toronto, Canada.

17 

18
 19 Mario Caron